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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,518	12/19/2001	David L. Gilmore	OTD-030348-US	6324

7590 03/08/2005

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EXAMINER
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MILLER, WILLIAM L

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/025,518

Applicant(s)

GILMORE, DAVID L.

Examiner

William L. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 8-10, 12-14 and 16-20 is/are allowed.
- 6) ☒ Claim(s) 6, 7, 11 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12022004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claim 5 is objected to because of the following informalities: line 11, delete "different" and change "than" to --non-parallel--. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 6 and 15 rejected under 35 U.S.C. 102(b) as being anticipated by EP 0272771 (hereinafter "EP771").
4. Regarding claim 6, EP771 discloses a seal assembly for a telescoping joint comprising: a first M2 and second M1 nested tubular members slidably mounted with respect to each other and defining an annular space therebetween; and at least one seal 54 supported by the first tubular member and sealingly spanning the annular space, the seal having a longitudinal axis and opposed ends and being compressed, upon assembly to the first tubular member as best shown in Fig. 4, in a direction aligned with its longitudinal axis; the compression due at least partially due to an interference fit in the first tubular member; and the portion of the seal that spans the annular space defining a sealing surface (inner surface) having an upper and lower end wherein both ends are beveled with respect to its longitudinal axis.
5. Regarding claim 15, EP771 discloses a seal assembly for a telescoping joint comprising: a first M2 and second M1 nested tubular members slidably mounted with respect to each other

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and defining an annular space therebetween; and at least one seal 54 supported by the first tubular member and sealingly spanning the annular space, the seal having a longitudinal axis and opposed ends and the portion of the seal that spans the annular space defining a sealing surface (inner surface) having an upper and lower end wherein both of the ends are integrally beveled without any cantilevered component with respect to its longitudinal axis.

6. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Fontenot (US#5184681).

7. Regarding claim 11, Fontenot discloses a seal assembly for a telescoping joint comprising: a first 14 and second 12 nested tubular members slidably mounted with respect to each other and defining an annular space therebetween; and at least one seal 58 supported by the first tubular member and sealingly spanning the annular space, the seal having a longitudinal axis and opposed ends and being compressed, upon assembly to the first tubular member in a direction aligned with its longitudinal axis, wherein the compression results from an interference fit with portions 67 and 69 of the first tubular member; and the first tubular member including a passage through portions 82,83 thereof to allow a lubricant to be directed from the outside of the annular space to a sealing face 70 of the seal in the annular space via 84.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP771.
10. EP771 fails to specifically disclose the bevel ranging from greater than 0 degrees to at least about 15 degrees as claimed by the applicant. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the claimed bevel angle range, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

***Response to Arguments***

11. Regarding claim 1, the examiner agrees Chaplain (US#3909018) fails to disclose the seal being activated by a force applied through one of the tubular bodies in which it is mounted to sealingly span the annular space as now claimed.
12. Regarding claims 6 and 15, the examiner agrees Heinze (US#4793621) fails to disclose a beveled sealing surface spanning the annular space as now claimed. However, EP771 discussed above meets this limitation.
13. Regarding claim 11, the applicant argues Fontenot (US#5184681) fails to disclose compression of the seal in the direction of the longitudinal axis due to an interference fit in the tubular member retaining it. The examiner disagrees as portions 67 and 69 of the first tubular member 14 are positioned above and below, respectively, of the opposed ends of the seal 58 and are in direct contact (interference fit) with the opposed ends of the seal. This direct contact (interference fit) inherently provides compression of the seal in the direction of the longitudinal axis.

*Allowable Subject Matter*

14. Claims 1-5, 8-10, 12-14, and 16-20 are allowed.

*Conclusion*

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

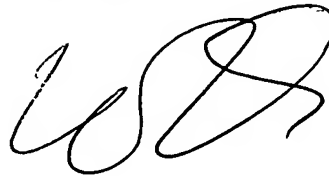
Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is 703 305 3978. The examiner can normally be reached on Tuesday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703 306 4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William L. Miller  
Primary Examiner  
Art Unit 3677

A handwritten signature in black ink, appearing to be 'WLM', written in a cursive style.

WLM  
03-03-2005